

In re) Fair Hearing No. 20,529
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Appeal of)

The petitioner appeals the decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating her children's eligibility for Medicaid under the Dr. Dynasaur Program. The issue is whether the petitioner's household income exceeds the program maximum.

1. The petitioner lives with her husband and their two children. Following a review of their eligibility on September 5, 2006, the Department sent a notice dated September 6, 2006 terminating the children's Dr. Dynasaur benefits.¹

¹ Those benefits have been continued pending the outcome of this appeal.

which is in excess of the Dr. Dynasaur maximum of \$5,013 for a four-person household.

3. The petitioner alleged, however, that she expected her earnings as a waitress to drop significantly within a few weeks due to seasonal fluctuations in her hours. The Department has agreed to reconsider her eligibility as soon as that anticipated drop in earnings occurs. The petitioner was advised that this appeal concerns only the Department's decision regarding her circumstances as of September 2006.

ORDER

The Department's decision is affirmed.

REASONS

Under the Dr. Dynasaur Medicaid regulations, all gross earned and unearned income is included as countable income for eligibility. W.A.M. § 3001.32. There is no dispute that as of the dates of her application and first hearing the petitioner had countable income in excess of the maximum for eligibility under the Dr. Dynasaur program for a four-person family with children, which is \$5,013. P-2420 B. Thus, the Department's decision finding the petitioner's children ineligible for Dr. Dynasaur based on the family's September

2006 review must be affirmed. 3 V.S.A. § 3091(d), Fair
Hearing Rule No. 17.

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